IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.37 OF 1991

The State of Maharashtra ..Appellant.

V/s

1. Vinayak Jalindar Shankar
Nalawade, Age 25 years.
2. Shankar Krishna Nalawade
Age 50 years,
3. Sou. Anusayabai Shankar
Nalawade, Age 50 years

All resident of Vetane,
Tal. Khatav, Dist. Satara ...Respondents.

Mr. D.P. Adsule, APP for the appellant.

None for the respondents.

CORAM: V.M.KANADE,J.

DATE: 9th December, 2004

ORAL JUDGMENT:

1. Heard the learned APP for the State.

2. State is challenging the Judgment and Order passed by the Judicial Magistrate, First Class in Regular Criminal Case No.136 of 1986. By the said Judgment and Order, the learned Magistrate acquitted the accused of the offence punishable under sections 498-A, 504 and 506 read with section 34 of the Indian Penal Code.

3. Prosecution's case, in brief, is that the complainant was the wife of accused No.1. It is alleged that since the date of marriage, accused Nos. 1 to 3 subjected her to cruelty as the complainant was not consenting to comply with their demand of dowry. Prosecution's case is that demand of dowry of Rs 4000/- was made by the accused. Prosecution has examined four witnesses out of which P.W.1 - Jayavant Galande is one of the eye witnesses. P.W. 2 - Ranjana Nalawade is the complainant. P.W. 3 - Bapu More is the father of the complainant and P.W. 4 - Vasant Chavan is an independent witness who was admitted in the Primary Health Centre at Pulkoti and who noticed and heard accused No.1 demanding money from Ranjana.

4. The charge against the accused is under section 498-A. There is discrepancy regarding the amount of demand made by the accused. In the statement of the complainant, she has stated that a demand of Rs 4000/- was made by her husband. However, P.W. 2 has stated in her evidence that an amount of Rs 15,000/- was demanded. P.W.2 in her statement does not state that accused had assaulted her. However, P.W. 3 - father of the complainant has stated that the accused had driven his daughter out of his house and had assaulted

her because she had not complied with his demand. In the cross-examination of P.W.3 all contradictions in his evidence have been brought on record and proved by the defence. It is difficult to accept the prosecution's case. In view of these infirmities, the finding of the Trial Court will have to be confirmed. There is no reason to interfere with the said order passed by the Trial Court as it is neither unreasonable nor perverse. Appeal is accordingly dismissed.

V.M. KANADE, J.